

Newspaper Editorials the Day After: Surprisingly Positive on Press Deal?

When the Prime Minister presented the cross-party deal on press regulation to Parliament, he described it as a way of avoiding the “statutory underpinning” called for in the Leveson Report. Editorials in daily newspapers the following day suggest that most broadsheets are ready to accept the combination of a Royal Charter and a small clause in the Enterprise and Regulatory Reform Bill while tabloids are holding back, but none of them bought the claim that it was not statutory underpinning.

Of 11 national dailies, seven had editorials expressing the paper’s reaction to the Royal Charter Deal with the five broadsheets showing either a welcoming stance or resigned acceptance that the deal was the best possible outcome. *The Daily Star*, *The Daily Express*, *The Daily Mirror* and *I* did not have editorials on the issue and *The Daily Mail* and *The Sun* presented the deal as a cave-in.

The Financial Times, *The Guardian* and *The Independent* described the solution as not perfect, but unfortunately necessary because of the past behaviour of some publications. *The Independent* also pointed out that it could have been much worse for the press. In their somewhat reluctant acceptance, *The Times* and *The Daily Telegraph* argued that there were still flaws and unresolved issues in the proposed system, but appear to acknowledge that they narrowly escaped much more rigorous statutory intervention. *The Telegraph* wrote that “the near unanimity in Parliament yesterday in support of the new approach was a powerful indication of how far the press needs to move in order to restore faith in its regulatory structure.”

The Financial Times and *The Guardian* both welcomed the fact that part of the deal struck among the parties was that Labour would withdraw their planned amendments to the Defamation Bill. The two papers commended that that now there can finally be progress in reforming what the FT referred to as the country’s “oppressive libel laws”.

While the editorials generally avoided commenting on claims that Cameron was not actually in the room when the deal was completed, *The Times*, *The Sun* and *The Daily Mail* all pointed out that representatives of Hacked Off were present while members of the press were not. Considering the weeks of closed negotiations in which editors were involved and Hacked Off representatives were excluded, these complaints could be considered unwarranted. Nevertheless these three papers were also the only ones to point out an important question left outstanding by the deal: to whom does it exactly apply? Exemplary damages can be assessed against “relevant publishers” who choose not to join the new regulator, and therefore it is crucial to understand exactly which organisations fall within the scope of “relevant publishers”. The extent to which online media would be expected to take part will need to be worked out. As it stands, it seems that organisations would be exposed to exemplary damages if they publish news-related material that is written by different authors, is subject to editorial control and operates “in the course of a business (whether or not carried on with a view to profit)”.

The Guardian astutely posited: “now the politics have played out, but will the practicalities?” The deal may be done amongst the politicians, but the detail of how it will work may have to be worked out by the press. *The Independent* took this opportunity to call out to its colleagues, writing: “Now, all the press must put the posturing and face saving behind it, accept the new system and move on... to rebuild public trust in newspapers.”

